Comité consultatif pour l'environnement de la Baie James
James Bay Advisory Committee on the Environment
ᑲ ᐊᑎᐱᕆᑎᓵ ᑲ ᐊᓂᓵ ᐸᕐᓂᒃ ᒣᐅᐸ ᐳᐃ

STRATEGIC PLAN OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT (JBACE)

2010-2013

December 2009

INTRODUCTION

The purpose of the Strategic Plan 2010-2013 is to focus the initiatives of the James Bay Advisory Committee on the Environment (JBACE) on current and future issues and to identify issues requiring priority action in the years to come. The concerns of the JBACE are shaped by the current social and political context, and the next three years will be a pivotal period in terms of the parameters to be set for future developments in James Bay. The plan is based on the guiding principles of the environmental and social protection regime established under the James Bay and Northern Québec Agreement (JBNQA).

The JBACE has a mandate that involves a large area covering more than 400,000 km^2, which calls for considerable challenges. One of the members' major concerns is the aging nature of the environmental assessment procedure. While being sensitive to the sociocultural context, the JBACE believes it is necessary to adopt modern methods based on internationally recognized practices. The Committee also sees an urgent need to innovate and to extend the field of environmental assessment so that it covers all strategic matters for the territory as a whole.

The general and specific objectives for the next three-year plan will ensure continuity of the work done by the JBACE with respect to application of Section 22, but will also aim to work upstream from several government planning procedures already undertaken for the James Bay territory, such as the Northern Plan, Bill 79 on mining, the overhaul of the forest regime and the land use plan for the territory. The JBACE will have to pay special attention to the ways in which these procedures overlap.

The JBACE will place priority on the following areas of interest in 2010-2013:

- **Update the environmental assessment procedure under Section 22** by revising the project lists and developing a procedural guide for public consultations in James Bay;
- **Sustain the compatibility of numerous Canadian and Québec laws, regulations and policies with the environmental and social protection regime under Section 22**. To that end, the JBACE must be involved in the revision processes early on. Recognition and collaboration on the part of the governments in this regard are therefore essential for all matters related to our mandate concerning the territory covered by the JBNQA.
- **Collaborate on the development of environmental management tools**, particularly with environmental protection bodies, to ensure that development under the Northern Plan, the overhaul of the forest regime, Bill 79 on mining, expansion of the road system and planning for the territory, including the land-use plan, are compatible with the provisions of Section 22 and protection of vulnerable species.
- **Develop an application framework for strategic environmental assessment (SEA) in the context of the Northern Plan proposed by the Québec government**.

JBACE STRATEGIC PLAN 2010-2013

ISSUE		STRATEGIC RESULTS EXPECTED	ACTIVITY
***Area of interest 1*: Update the environmental assessment procedure under Section 22**			
▪ Update the lists in the Schedules, clarify the elements that trigger the procedure and make decisions more transparent.	Collaborate on and support implementation of the revised project lists (Schedules 1 and 2).	Update the assessment and review procedure under Section 22 (Schedules 1 and 2).	Follow up on recommendations with Québec, Canada and the Crees.
▪ Strengthen and improve the assessment and review procedure with public participation, ensure greater transparency and access to information.	Develop for the James Bay territory a public consultation procedure based on internationally recognized principles.	Public consultation *mechanisms* for the James Bay territory clearly stated in a procedural guide and adapted to the Crees' sociocultural context. Also define the public consultation *triggers*. Implement the recommendations submitted to the governments.	Develop a public consultation directive for the James Bay territory.
***Area of interest 2:* Sustain the compatibility of federal and provincial laws, regulations and policies with the environmental and social protection regime under Section 22**			
▪ Legislative monitoring	Decision by the Supreme Court in the matter of the Attorney General of Québec v. Grand Chief Dr. Ted Moses et al.	Fully understand the scope of the Supreme Court decision: "Whether *Canadian Environmental Assessment Act*, S.C. 1992, c. 37, and regulations made thereunder, are constitutionally applicable to project located on territory contemplated by s. 22 of *James Bay and Northern Quebec Agreement*?"	As necessary, assess coordination with Section 22.
	Environment Quality Act:	Be involved in the update of the EQA.	As necessary, assess coordination

ISSUE		STRATEGIC RESULTS EXPECTED	ACTIVITY
	environmental protection.		with Section 22.
	Laws of the Government of Canada: environmental protection.	Monitor the revision processes involving the CEAA, the Species at Risk Act and the Fisheries Act and their impact on the environmental and social protection regime. As necessary, ensure that the JBACE is involved in the process early on and that it is an official and preferential forum during consultations.	As necessary, assess coordination with Section 22.
	Bill 79: Oversight of mining operations, will also have impacts on the Northern Plan.	Improve environmental management in the context of mining development. Ensure the JBACE is involved in consultations on Bill 79.	Ensure the Bill is compatible with the provisions of Section 22. Produce a submission containing the JBACE's concerns regarding Bill 79.
▪ Activities related to protection of the forest sector	Overhaul of the forest regime.	Ensure the Act is compatible with the provisions of Section 22 and take into account the provisions of the Adapted Forest Regime – Chapter 30A.	Monitor developments involving the reform of the forest regime and, as necessary, reiterate the need to apply the principles of Cree participation set out in the JBNQA and the ARNQC.
	Regulation respecting sustainable forest management.	Ensure the Regulation is compatible with the provisions of Section 22 and take into account the provisions of the Adapted Forest Regime – Chapter 30A.	Comment on proposed amendments to forest policies.
▪ Obligations pursuant to paragraph 22.3.34	Follow-up on general forest management plans (GFMPs).	Ensure the Crees are involved in the development of GFMPs.	Continue to follow up with the parties to ensure that the environmental and social aspects are handled adequately. Ensure that the next GFMP (2013) is compatible with the provisions of

ISSUE		STRATEGIC RESULTS EXPECTED	ACTIVITY
		Have an influence on the extension of the forest road system.	Section 22. Closely monitor application of the environmental assessment procedure to road projects.
Area of interest 3 **Collaborate on the development of environmental management tools**			
▪ Activities related to the mining sector	Mining exploration: The current context does not make it possible to consider the cumulative impacts of mining exploration in the James Bay territory.	Improve environmental management in the context of mining development.	Prepare a portrait of environmental assessment of mining development. Develop an opinion on the role and contribution of environmental assessment with respect to mining development in the territory. Establish thresholds to determine when exploration operations are subject to assessment in conjunction with the revision of Schedules 1 and 2.
	Monitor and follow up on contaminated sites: Need to improve the monitoring and inspection program for contaminated mining sites.	Stress the importance that the Crees be involved in follow-up studies and restoration work. Ensure that government stakeholders enforce environmental protection laws and regulations and that the JBACE is kept informed.	Identify and sustain participatory processes for follow-up on contaminated sites. Promote action to clean up contaminated sites. Monitor the matter of the Opemiska dike failure, monitor restoration work and support environmental monitoring requests by the community of Waswanipi.

ISSUE		STRATEGIC RESULTS EXPECTED	ACTIVITY
		Monitor developments related to the Action Plan submitted to the Sustainable Development Commissioner as a result of his report on the government's role in the mining sector.	Improve knowledge of the aquatic environment. Follow up on the JBACE's recommendations for implementation of a single or integrated register of mining sites and dissemination of the results of environmental monitoring for active and closed mining sites.
▪ Land use planning	Planning of the public territory by the MRNF and definition and characterization of the territory covered by the JBNQA.	Ensure that planning takes into account the provisions of Section 22 and agreements with the Crees.	Follow up with the MRNF on progress of the land use planning process.
▪ Climate change	Collaboration with the Cree Trappers' Association project whose objective is to record local observations of climate change and its impact on the Cree way of life.	Gain a better understanding of how the Crees are affected by climate change.	Take part in documenting observations of climate change in James Bay and have the opportunity to act upstream as required.
▪ Protected areas	The government wants to define 12% of the James Bay territory as "protected areas." Preservation of biodiversity (under the Northern Plan).	Promote the development of protected areas as well as the 12% target. Ensure Cree participation in the selection and management of protected areas.	JBACE participation in the selection of protected areas, especially by supporting communities that submit proposals on this matter.
▪ Integrated management of residual materials	New government policy on the management of residual materials.	Analyze the new policy and regulations and ensure they are compatible with the provisions of Section 22.	Support initiatives that will be undertaken in James Bay to apply this policy. Prepare a submission on issues related to application of the policy in

ISSUE		STRATEGIC RESULTS EXPECTED	ACTIVITY
			James Bay.
Area of interest 4 **Develop an application framework for strategic environmental assessment (SEA) in the context of the Northern Plan proposed by the Québec government**			
▪ Northern Plan	Plan covering development of northern resources (mines, forestry, hydroelectricity, wind power, recreation, tourism and protected areas). Development of the road system. Encompasses issues that are important to the JBACE, including the matter of public consultation and the need for a sector-based strategic environmental impact assessment (on transportation).	Ensure that the Northern Plan is carried out according to the social and environmental requirements of Section 22, that the populations are consulted and that local actors are closely involved in the developments and receive economic benefits from them. Ensure that a transportation sector SEA is carried out to oversee developments and to identify and assess the cumulative impacts of the various types of development that will take place in the James Bay territory. Among other things, evaluate the development of the road system and the impact of opening up the territory on the Cree way of life.	Monitor developments under the Northern Plan: ensure the JBACE is involved in consultations on the plan. Convey the need to do an SEA for the transportation sector. Promote strategic environmental assessment to bodies concerned with environmental conservation and Native rights and generally improve the visibility of the JBACE.